

# HOUSE . . . . . No. 2987

---

## The Commonwealth of Massachusetts

PRESENTED BY:

**David L. Flynn**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the development of underused state owned real property and the disposition of state owned surplus real property.

PETITION OF:

NAME:

David L. Flynn

DISTRICT/ADDRESS:

8th Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3770 OF 2007-2008.]

## The Commonwealth of Massachusetts

---

In the Year Two Thousand and Nine

---

### AN ACT RELATIVE TO THE DEVELOPMENT OF UNDERUSED STATE OWNED REAL PROPERTY AND THE DISPOSITION OF STATE OWNED SURPLUS REAL PROPERTY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority  
of the same, as follows:*

1           SECTION 1. Chapter 7 of the General Laws is hereby amended by striking out section 1, as appearing in  
2 the 2004 Official Edition, and inserting in place thereof the following section:—

3           Section 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the  
4 following meanings:

5           "Commissioner", the commissioner of administration.

6           "Eligibility", written criteria established before a request for applications that are used to determine if an application  
7 for an award of grant program resources is acceptable.

8           "Finance committee", the committee of the executive council appointed to consider matters of finance.

9           "Grant program", financial or technical assistance provided by a state agency or state authority, as defined in section  
10 1 of chapter 29, available to a city, town or other public or private entity otherwise eligible.

11           "Grant program fiscal statement", shall include: (1) a description of the substance of the application; (2) the average  
12 expected grant amount; (3) a listing of award recipients, including the award amount, if any, the fiscal year of the  
13 award and the date of award; (4) the estimated proportion of monies, in-kind match or other monies to be supplied  
14 by the award recipient and any other source from which such match will be required; (5) a description of the  
15 allocation formula and matching requirements, including whether the grant is distributed on the basis of a specified  
16 formula or at the grantor's discretion; (6) a description of any constraints placed on the use of the grant; and (7)  
17 contact information, including the telephone number, postal address and internet email address to facilitate the  
18 application process.

19           "Grant program reference", a description in electronic format that is retrievable and printable that shall include: (1)  
20 the grant program application; (2) the grant program eligibility criteria; (3) the application due date; and (4) the  
21 grant program fiscal statement.

For the purposes of sections 39B to 43J, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Agency”, the Massachusetts Development Finance Agency, a body politic and corporate entity established by section 2 of chapter 23G.

“Commissioner”, the commissioner of the division of capital asset management and maintenance.

“Committee”, the state surplus land coordinating committee established pursuant to section 40F.

“Affordable housing”, housing that is affordable for rental or purchase by families or individuals whose income at initial occupancy is equal to or less than 100 per cent of the median area income as determined by the United States secretary of housing and urban development for federal housing programs.

“Direct public use”, use of real property by a governmental or quasi-governmental entity including, without limitation, the commonwealth, any municipality within the commonwealth, or any authority or district within the commonwealth, or any instrumentality of any of the foregoing, and, with respect to any use of real property by a private non-profit organization, any use of the real property for affordable housing production, community economic development, historic preservation or for open space acquisition or preservation.

“Host municipality”, the municipality or municipalities within which state owned real property conveyed, leased or otherwise transferred to the agency or declared surplus pursuant to the provisions of this chapter is located.

“Net cash proceeds”, all payments paid to the commonwealth as and when paid, less any transaction-related expenses incurred by the division of capital asset management and maintenance, the Massachusetts Development Finance Agency and the regional planning agency for which it is not otherwise reimbursed, including, but not limited to, costs associated with the disposal or pre-development of the real property where the funds originated including, but not limited to, appraisals, surveys, site evaluation, site preparation, plans, recordings, smart growth review and any other expenses relating to the disposal or pre-development of the real property pursuant to the provisions of this chapter, and less any amounts that may be owing to the federal government as a result of the disposition.

“Real property”, as defined in section 39A.

“State agency”, as defined in said section 39A.

“Surplus real property”, real property of the commonwealth: (1) previously determined to be surplus to current and foreseeable state needs pursuant to section 40F or 40F½, but excluding real property for which there is an established local reuse plan; or (2) determined to be surplus to current and foreseeable state needs pursuant to this chapter.

SECTION 2. Said Chapter 7 is hereby further amended by striking out section 40E, as so appearing, and inserting in place thereof the following section:—

Section 40E. Real property, record title to which is held in the name of a state agency or the board of trustees of a state agency or similar board of a state agency, shall be deemed to be real property of the commonwealth. No deed or other instrument shall be required to effect the transfer to the commonwealth of title to such real property, but the land court department of the trial court shall, upon petition of the division of capital asset management and maintenance, issue in the name of the commonwealth a certificate of title to any real property, title to which is registered under chapter 185 in the name of a state agency or the board of trustees of a state agency or similar board of a state agency. Notwithstanding any general or special law to the contrary, no person shall acquire any rights by prescription or adverse possession in any lands or rights in lands held in the name of the commonwealth.

The commissioner and the committee shall exercise the powers stated in this chapter, notwithstanding the delegations which the general court has made pertaining to the acquisition, control, and disposition of real property, including section 19 of chapter 16; section 1 of chapter 19; section 7 of chapter 19A; sections 9A, 13, and 30 of chapter 21; sections 2 and 9 of chapter 21A; sections 8 and 26 of chapter 23A; section 7 of chapter 23B; section 3 of chapter 28A; section 41 of chapter 29; sections 4 and 5 of chapter 29A; sections 11, 12, 25, 26, and 27 of chapter 75; sections 7, 7A, 7C, 7D, 7E, 7G, 7H, 7L, 7M, 11, 13A, and 13B of chapter 81; section 7 of chapter 82; section 4 of chapter 83; section 39B of chapter 90; sections 2, 3, 5, and 6 of chapter 91; sections 9A, 13, 33, 34, 77 to 85, inclusive, 87, and 88 of chapter 92; sections 62R, 83, and 86 of chapter 111; section 5 of chapter 111B; section 8 of chapter 115A; sections 1 and 2 of chapter 120; section 5 of chapter 122; section 10 of chapter 124; section 2 of chapter 147; sections 31 and 32 of chapter 184; provided, however, that the commissioner shall acquire, control and dispose of real property in accordance with the terms and purposes of the aforementioned provisions. The commissioner shall not make any acquisition of real property on behalf of a state agency by eminent domain or make any such delegation of power to acquire real property by eminent domain to any state agency unless such state agency is otherwise authorized by law to exercise the power of eminent domain. The commissioner may delegate to state agencies responsibility for the acquisition and control of real property as provided for in this chapter. When responsibility is delegated to a state agency, the written approval of the commissioner shall be required before the transaction is completed, and a copy of said written approval shall be sent to the joint committee on bonding, capital expenditures and state assets.

For the purposes of sections 40F to 40L, inclusive, the term "emergency" shall mean any situation caused by unforeseen circumstances which render currently used real property unusable or unavailable for the purposes intended and which creates an immediate need for other real property to preserve the health or safety of persons or real property.

SECTION 3. Chapter 7 is hereby amended by striking out section 40F, as so appearing, and inserting in place thereof the following section:—

Section 40F. (a) There shall be established a state surplus land coordinating committee. The committee shall consist of 11 members, 1 of whom shall be the secretary of the executive office of administration and finance or his designee; 1 of whom shall be the secretary of the executive office of transportation and construction or his designee; 1 of whom shall be the secretary of the executive office of economic development or his designee, provided his designee is the director of the Massachusetts office of business development; 1 of whom shall be the secretary of the executive office of environmental affairs or his designee; 1 of whom shall be the director of the department of housing and community development or his designee; 1 of whom shall be the commissioner of the division of capital asset management and maintenance or his designee; 1 of whom shall be the director of the Massachusetts municipal association or his designee; 1 of whom shall be chair of the commonwealth development coordinating council or his designee; and 1 of whom shall be the chief executive officer of the Massachusetts development finance authority or his designee; 1 of whom shall be the chair of the board of directors of the Massachusetts association of regional planning agencies or his designee; and 1 of whom shall be the president of the Massachusetts association of community development corporations or his designee.

The committee shall meet from time to time and shall advise and direct the commissioner on all real property being considered for surplus designation and on the appropriate disposition of such real property, including but not limited to, whether the real property should be declared surplus, the potential reuses for the real property, including, but not limited to, its suitability for housing development, economic development or preservation as open space, and what restrictions, if any, should be considered on its use and development.

The committee shall annually submit a written report of its activities no later than December 31. Said report shall be submitted to the president of the senate, the speaker of the house of representatives, the house and senate chairs of the joint committee on bonding, capital expenditures and state assets, the house and senate chairs of the joint committee on economic development and emerging technologies, the clerk of the senate and the clerk of the house of representatives.

(b) The commissioner, upon the approval of the state surplus land coordinating committee, shall be responsible for the disposition of real property in the manner and to the extent provided in this chapter. The commissioner may

111 delegate such responsibility to an administrator who has 10 years of experience in the management of commercial,  
112 industrial, institutional or public real property and open space preservation. When responsibility is delegated to an  
113 administrator the written approval of the commissioner shall be required before such transaction is finalized.

114 (c) The commissioner shall, pursuant to the provisions of this chapter, convey, lease for a term not to exceed 99  
115 years, transfer or otherwise dispose of real property to the agency or the host municipality or shall, upon the  
116 approval of the committee, convey, lease for a term not to exceed 99 years, transfer or otherwise dispose of surplus  
117 real property surplus real property as specified in this chapter.

118 The commissioner shall provide such administrative support to the committee as the committee may  
119 request.

120 SECTION 4. Said chapter 7 is hereby amended by inserting after section 40F the following section:—

121 Section 40F<sup>1</sup>/<sub>4</sub>. (a) The commissioner shall recommend to the committee for surplus designation any real property  
122 owned by the commonwealth that is not required for use by any state agency and which in his judgment should be  
123 declared surplus real property subject to disposition by the commonwealth in accordance with the provisions of this  
124 chapter; provided, however, that prior to recommending that a parcel of real property be declared surplus, the  
125 commissioner shall determine whether any state agency has a current or foreseeable need for the real property. In  
126 order to establish whether there exists a current or foreseeable need, the commissioner shall provide written notice  
127 and inquiry to the executive heads of state agencies and secretaries of the executive offices who shall have 30 days  
128 to submit a written response indicating that the real property is necessary for a specific current or foreseeable need  
129 of such agency or executive office. If no agency or executive office submits such a response within 30 days of  
130 receiving notice, the commissioner shall recommend to the committee that the real property be declared surplus and  
131 disposed of in accordance with the provisions of this chapter. In the event that a written response from a state agency  
132 or executive office is timely received specifying a current or foreseeable need for the real property, the  
133 commissioner shall, within 30 days and in consultation with the secretary of administration and finance and with any  
134 affirmatively responding agency or executive office:

135 (1) determine whether the real property shall be made available for current use by a state agency or  
136 executive office; (2) determine whether the real property shall be retained on account of a foreseeable use by a state  
137 agency or executive office; provided, however, upon a determination that a parcel of real property is surplus to  
138 current state uses, but not to foreseeable state uses, the commissioner shall take such action as is necessary to ensure  
139 that any disposition of the real property is temporary and said action shall maintain the commissioner's ability to  
140 make such real property available to a state agency or executive office at such time as it may be needed; or (3)  
141 notwithstanding the current or foreseeable need of the responding state agency or executive office, recommend to  
142 the committee that the real property should be declared surplus real property subject to disposal by the  
143 commonwealth in a manner consistent with the provisions of this chapter.

144 Within 10 days of providing written notice and inquiry to the executive heads of state agencies and  
145 secretaries of the executive offices as required by this section, the commissioner shall, for informational purposes,  
146 provide written notice to the host municipality that the real property may be declared surplus pursuant to the  
147 provisions of this chapter. Said notice shall be sent to the city manager in the case of a city under Plan E form of  
148 government, the mayor and city council in the case of all other cities, the chairman of the board of selectmen in the  
149 case of a town, the county commissioners, the regional planning agency, and the members of the general court  
150 representing said host municipality. The commissioner shall set forth in such notice a description of the real property  
151 and a declaration that the real property is being considered for surplus designation.

152 (b) The commissioner shall file a report with the joint committee on bonding, capital expenditures and state  
153 assets which shall include the commissioner's recommendation as to the proposed designation of said real property  
154 as surplus. Within 30 days of said filing, said joint committee shall hold a public hearing on the commissioner's  
155 proposed designation. Thereafter, said joint committee shall report its findings to the general court together with  
156 legislation within 30 days of said public hearing, and shall provide a copy of said findings and legislation to the  
157 commissioner; provided, further, that prior to the commissioner recommending to the committee that the real

property be declared surplus to current and foreseeable state uses, there shall be an affirmative vote of the general court enacting legislation.

The commissioner shall establish the value of real property using customarily accepted appraisal methodologies. The value shall be calculated both for (i) the highest and best use of the real property as currently zoned, and (ii) subject to uses, restrictions and encumbrances as may be defined by the general court and the committee. Appraisals under this paragraph shall be conducted by an independent licensed appraiser. In no instance in which the commonwealth retains responsibility for maintaining the real property shall the terms provide for payment of less than the annual maintenance costs.

(c) Prior to recommending to the committee that the real property be declared surplus to current and foreseeable state uses the commissioner shall, within 10 days of the general court's action as required by subsection (b), provide simultaneous written notification to the host municipality, the agency and the regional planning agency for the region where the real property is located indicating that the real property is available. For parcels of real property larger than 2 acres as delineated as of \_\_\_\_\_ or valued at more than \$1,000,000 the commissioner shall commission the regional planning agency for the region where the real property is located to conduct a smart growth reuse review. Said review shall consider a need for a variety of housing options, including but not limited to the development of supportive and affordable housing for the physically and cognitively disabled and the mentally ill, economic development and open space; current and prospective zoning of the site; the need for municipal capital facilities and public uses; impact of traffic and transit; impact on the environment and natural resources and on agricultural lands; existence of historically significant structures; availability of infrastructure, including water supply, waste water and store water run-off; fiscal impact of the development on the host municipality; remediation of contamination; and other smart growth implications. The regional planning agency shall complete the review within 60 days.

(d) Upon receipt of the notification pursuant to subsection (c) the host municipality shall have a right of first refusal to purchase the real property on the conditions established in this section. The host municipality shall have the right of first refusal to purchase the real property for a direct public use at 85 per cent of the fair market value of the real property as established pursuant to this chapter. The host municipality shall have the right of first refusal to purchase the real property for a purpose other than a direct public use at fair market value as established pursuant to this chapter. Such right of first refusal must be exercised, if at all, by the host municipality within 210 days of receipt of such notice by giving written notification to the commissioner of the host municipality's intent to purchase the real property. The host municipality shall then have an additional 180 days from its exercise of its right of first refusal to close on the purchase of the real property.

In the event that a host municipality fails to close on the purchase of the real property within such time, the sole remedy of the commonwealth against the host municipality for such failure is to proceed with the disposition of the real property without further right of purchase by the host municipality; provided, however, that if said failure to close on the purchase of the real property was in bad faith, the commonwealth shall not be required to share proceeds of the sale of said real property with the host municipality as required by section 2000 of chapter 29. The commissioner, at his discretion, may negotiate with a host municipality exercising its right of first refusal flexible financing arrangements to facilitate the purchase of the real property under this section; provided, however, that no such arrangements shall provide for a period of more than 5 years for all payments due under this section. A host municipality exercising a right of first refusal as provided herein may engage the services of the agency to perform planning, feasibility, marketing, and other studies or to provide project management services in connection with any reuse or redevelopment of the real property.

If a city or town has held a vote for debt exclusion pursuant to section 21C of chapter 59 of the General Laws to finance the surplus real property purchase the date by which the host municipality shall exercise its option to purchase will be extended until 7 days after the vote.

A host municipality shall be permitted to assign its right of first refusal to purchase the real property for a direct public use at 85 per cent of the fair market value of the real property as established pursuant to this chapter to a non-profit organization for a direct public use of said organization. Such assignment must be made by the host municipality, if at all, within 210 days of receipt of notification pursuant to subsection (c), the assignee non-profit

organization must exercise said right, if at all, within 90 days of assignment of such right by the host municipality by giving written notification to the commissioner of the assignee non-profit organization's intent to purchase the real property. The assignee non-profit organization shall then have an additional 90 days from receipt of assignment by the host municipality to close on the purchase of the real property.

In the event that the assignee non-profit organization fails to close on the purchase of the real property within such time, the sole remedy of the commonwealth against the host municipality for such failure is to proceed with the disposition of the real property without further right of purchase by the host municipality; provided, however, that if said failure to close on the purchase of the real property was in bad faith, the commonwealth shall not be required to share proceeds of the sale of said real property with the host municipality as required by section 2000 of chapter 29.

If the host municipality or its assignee acquires any portion of the real property for open space purposes, or if any of the real property is restricted for open space purposes, a conservation restriction pursuant to chapter 184 of the general laws shall be retained by the commonwealth on such parcels.

(e) Upon receipt of the notification required pursuant to subsection (c) the agency shall have 180 days from receipt of such notice to determine whether the agency will accept title to, or another interest in, said real property and to provide such notice to the commissioner; provided, however, that the agency shall send preliminary notification to the commissioner within 30 days of its receipt of such notice stating its intention to decline title to, or other interest in, said real property or to undertake a due diligence review within such 180 day period. The preliminary notification shall not be binding upon the agency. The agency's determination whether to accept title to, or an interest in, said real property shall be based on an analysis as to the feasibility and need for the development, operation or maintenance of the real property, in whole or in part, substantially for institutional, governmental, industrial, or commercial uses which will prevent or eliminate blight, economic dislocation, economic distress, or unemployment, or for such other public purposes as the agency may determine. The agency shall, within 21 days of receipt of a request from the host municipality or the regional planning agency, provide said host municipality and the regional planning agency any information acquired from its analysis of the real property, including but not limited to, appraisals, surveys, site evaluations, site preparation, plans, recordings, smart growth review and any other work product relating to pre-development or development of the real property pursuant to the provisions of this chapter.

If the agency elects to acquire title to, or another interest in, the real property through a conveyance or by a lease not to exceed 99 years, a rental or transfer, the agency shall so notify the commissioner within said 180 day time period by providing an offer to purchase or lease such real property. The offer shall include a proposed redevelopment plan and a purchase or lease price for the real property determined by using customarily accepted appraisal methodologies and subject to uses, restrictions and encumbrances as may be determined by the general court and the commissioner. The agency shall also send its proposed redevelopment plan to the host municipality and the regional planning agency serving the area where the real property is located.

The agency and commissioner shall execute a mutually acceptable land disposition agreement not sooner than 35 days after the expiration of its 180 day option to purchase as provided for in this section or not sooner than 10 days and not later than 90 days, unless extended by a mutual agreement of the parties, after the host municipality declines to exercise or assign its right of first refusal to purchase the real property. Such land disposition agreement shall be subject to the agency securing all necessary state and local permits and approvals, and subject to a satisfactory environmental review. If the agency and the commissioner do not execute a mutually acceptable land disposition agreement in such time period, or at the conclusion of an arbitrator's review, as applicable, the commissioner may dispose of the real property in a manner consistent with the provisions of this chapter; provided, however, that the commissioner shall not unreasonably withhold his acceptance of a bona fide offer from the agency. If the agency is aggrieved by a decision of the commissioner, it may appeal to the committee within 15 days. The committee shall, within 15 days appoint an independent arbitrator to review the proposal. The arbitrator shall have 30 days to conduct said review. The decision of the arbitrator shall be binding upon the commissioner and the agency.

255       The agency may acquire an interest in real property only after approval of a redevelopment plan for such  
256 real property by the board of directors of the agency; provided, however, that prior to the submission of said  
257 redevelopment plan to the board for approval, the agency shall conduct a public hearing in the host municipality to  
258 allow for local input on the redevelopment plan and as to the potential reuses for the real property, including, but not  
259 limited to, its suitability for economic development, job creation, or preservation as open space, and what reuse  
260 restrictions, if any, should be imposed on its use and development. The agency shall publish notice of the hearing in  
261 the central register published by the state secretary pursuant to section 20A of chapter 9 within 30 days of the date of  
262 the hearing. Notification of the public hearing shall also be sent to the host municipality. Said notice shall be sent to  
263 the city manager in the case of a city under a Plan E form of government, the mayor and city council in the case of all  
264 other cities, the chairman of the board of selectmen in the case of a town, the county commissioners, the regional  
265 planning agency, and the representatives to the general court representing said host municipality. The agency shall  
266 set forth in such notice a description of the real property, a copy of the proposed redevelopment plan and the date of  
267 the public hearing. A notice of the public hearing shall also be placed, at least once each week for the 4 consecutive  
268 weeks preceding the hearing, in newspapers with sufficient circulation to inform the people of the host municipality.  
269 The hearing shall be held in the host municipality no sooner than 30 days and no later than 35 days after the notice is  
270 published in the central register.

271       Notwithstanding any other general or special law to the contrary, any real property transferred to the  
272 agency through either a conveyance or lease shall be designated by the economic assistance coordinating council as  
273 an economic target area, an economic opportunity area, and a certified project, as those terms are defined in section  
274 3A of chapter 23A, and such real property shall be eligible for all the incentives and benefits provided by the  
275 economic development incentive program.

276       (f) Notwithstanding any other general or special law to the contrary, the agency is authorized to employ  
277 alternative methods of procurement relative to the planning, design, demolition, construction, reconstruction,  
278 improvement, renovation, enlargement, expansion, remodeling, repair or build-out of any and all facilities, as may  
279 be useful or necessary from time to time in connection with the redevelopment of such real property by the agency  
280 in furtherance of this chapter, including, without limitation, turnkey, design-build, lease, lease purchase or utilization  
281 of modular buildings.

282       The acquisition, procurement, planning, design, construction, reconstruction, improvement, renovation,  
283 enlargement, expansion, remodeling, alteration, repair, build-out, development, financing, management,  
284 maintenance, operation or leasing of all or any portion of a redevelopment project undertaken by the agency in  
285 furtherance of this chapter and any contract for construction and design or other consulting services for or relating  
286 to, the construction, reconstruction, improvement, renovation, enlargement, expansion, remodeling, alteration,  
287 repair, build-out, development, financing, management, maintenance, operation or leasing of all or any portion of  
288 real property by the agency pursuant to this chapter shall be exempt from the provisions of section 38A½ to 38O,  
289 inclusive, of this chapter, section 44A to 44J, inclusive, of chapter 149, and section 39M of chapter 30 or any other  
290 special or general law or rule or regulation providing for the advertising or bidding of construction, development,  
291 financing, management, leasing or improvements to, or the acquisition or disposition of interests in real or personal  
292 property, but the provisions of sections 26 to 27F, inclusive, and section 29, all of said chapter 149 shall apply to  
293 those elements of redevelopment project undertaken by the agency in furtherance of this chapter that, but for the  
294 exemptions provided herein, would be subject to such sections.

295       Notwithstanding such exemptions, the procedures to be followed and the terms and conditions of such  
296 procurement processes, including written procedures for the selection of construction, design, and other  
297 professionals for the redevelopment of real property by the agency pursuant to this chapter, shall be determined by  
298 the agency in consultation with, and subject to review by, the inspector general of the commonwealth as set forth in  
299 this section, and the procedures shall also be approved by the board of directors of the agency. The inspector general  
300 shall comment in writing on such procurement process and shall submit such comments to the agency, the chairs of  
301 the joint committee on bonding, capital expenditures and state assets, the chairs of the joint committees on economic  
302 development and emerging technologies, the clerk of the senate and the clerk of the house of representatives not less  
303 than 30 days before the agency begins the procurement of design and construction services.

304 In order to effectuate an open, competitive and fair procurement and an effective contracting process, the  
305 agency shall, not less than 45 days prior to the advertisement of the invitation for competitive bids using the  
306 procurement process, submit to the inspector general all procedures and criteria developed for the implementation of  
307 the alternative method, including a description of the project, the construction bid package, and evaluation criteria.  
308 The inspector general shall submit written comments on the procedures to the agency not less than 30 days prior to  
309 the advertisement. The agency shall submit the procedures and criteria and the comments of the inspector general to  
310 the chairs of the joint committee on bonding, capital expenditures and state assets, the chairs of the joint committees  
311 on economic development and emerging technologies, the clerk of the senate and the clerk of the house of  
312 representatives at least 15 days prior to the advertisement for any contract to be awarded on the basis of an  
313 alternative method. Such procedures and criteria shall be approved by a vote of the board of directors of the agency.  
314 The agency shall submit to said joint committees a report of the results of such procurement. If the agency awards  
315 the contract to other than the lowest responsive bidder, the agency shall submit to said committees and to the  
316 inspector general a written justification describing in detail why such award is in the best interests of the agency.

317 Notwithstanding any other general or special law to the contrary, each public or state agency in the  
318 commonwealth involved in the permitting, development or financing of economic development projects is hereby  
319 authorized and directed to develop a coordinated one-stop program for businesses, institutions and private parties  
320 that may intend to locate on the real property in order to enable development activities within such real property to  
321 be more effectively promoted by the commonwealth.

322 Notwithstanding any other general or special law to the contrary, real property, and any personal property  
323 located thereon, acquired by the agency and sold by it, or of real property so acquired by the agency and leased by it,  
324 shall be subject to local taxation to the same extent and in the same manner as other lands are taxed; provided,  
325 however, that if said agency or other individual, person, firm, corporation, or other entity creates a minimum of 100  
326 new jobs on the real property they shall not incur said tax liability for a period of 5 years; provided further, that  
327 nothing in this section shall prohibit the municipality from entering into an agreement with said lessee relative to  
328 providing incentives and benefits pursuant to section 3A of chapter 23A.

329 Notwithstanding any other general or special law to the contrary, if the agency acquires title to, or another  
330 interest in, real property formerly used as a department of mental health state hospital or department of mental  
331 retardation in patient care facility, the agency shall ensure that at least 15 per cent of any housing units developed on  
332 the real property be affordable supported housing for individuals who are clients, or former clients of the respective  
333 department; provided, however, that such housing shall be made affordable and available to such individuals with  
334 incomes of 15 per cent of average median income or below; and provided, further, that said restriction shall be  
335 recorded in the registry of deeds or the registry district of the land court of the county in which the affected real  
336 property is located, as running with the land, and that said real property shall not be released from such restriction  
337 until after the expiration of 99 years from the date of initial occupancy by such eligible individuals. If there is no  
338 plan to develop housing on the real property formerly used as a department of mental health state hospital or  
339 department of mental retardation in-patient care facility, not more than 15% of the sale price shall be used to support  
340 the development of affordable and supportive housing at another location for individuals who are clients or former  
341 clients of the department of mental health or the department of mental retardation.

342 Notwithstanding any other general or special law to the contrary, real property acquired by the agency shall  
343 remain to the extent affordable, accessible to the public, including but not limited to, the use of trails, pedestrian  
344 walkways, open spaces, or recreational facilities.

345 (g) If the host municipality and the agency decline to accept title to, or another interest in, the real property  
346 within the time proscribed by this section, the commissioner shall, within 30 days of being notified of said rejection  
347 by the host municipality and the agency, formally recommend to the committee that said real property be officially  
348 declared surplus to state uses. Upon receipt of the commissioner's official recommendation that the real property  
349 should be declared surplus, the committee shall:

350 (i) within 10 days provide written notice, for each city or town in which the real property is located, to the  
351 city manager in the case of a city under Plan E form of government, the mayor and city council in the case of all  
352 other cities, the chairman of the board of selectmen in the case of a town, the county commissioners, the regional

353 planning agency, and the members of the general court representing the host municipality. The committee shall set  
354 forth in such notice a description of the real property and a declaration that the real property is being considered for  
355 surplus designation. The committee shall also inform the municipality that it may elect to adopt the provisions of  
356 chapter 43D and designate the real property a priority development site pursuant to said chapter 43D;

357 (ii) within 45 days conduct a public hearing in the host municipality to allow for local input as to whether  
358 the real property should be officially declared surplus, the potential reuses for the real property if it is officially  
359 declared surplus, including, but not limited to, its suitability for housing development, economic development, job  
360 creation, or preservation as open space, and what reuse restrictions, if any, should be imposed on its use and  
361 development; provided, however, that in the case of real property formerly used as a department of mental health  
362 state hospital or department of mental retardation in patient care facility, the committee shall place a reuse restriction  
363 on land ensuring that at least 15% of any housing units developed on the real property be affordable supported  
364 housing for individuals who are clients, or former clients of the respective department; provided further, that such  
365 housing shall be made affordable and available to such individuals with incomes of 15% of average median income  
366 or below; and provided further that said restriction shall be recorded in the registry of deeds or the registry district of  
367 the land court of the county in which the affected real property is located, as running with the land, and that said real  
368 property shall not be released from such restriction until after the expiration of ninety-nine years from the date of  
369 initial occupancy by such eligible individuals. The committee shall publish notice of the hearing in the central  
370 register published by the state secretary pursuant to section 20A of chapter 9 within 30 days of the date of the  
371 hearing. A notice of the public hearing shall also be placed, at least once each week for the 4 consecutive weeks  
372 preceding the hearing, in newspapers with sufficient circulation to inform the people of the affected locality. The  
373 hearing shall be held in the host municipality no sooner than 30 days and no later than 35 days after the notice is  
374 published in the central register.

375 (iii) within 120 days report in writing to the commissioner on the real property being considered for surplus  
376 designation on the appropriate disposition for such real property. Said report shall include a determination of  
377 whether the real property should be declared surplus, the potential reuses for the real property if it is declared by the  
378 committee to be surplus, including its suitability for housing development, economic development or preservation as  
379 open space, and what restrictions, if any, should be imposed on its use and development. The report shall also  
380 include the recommendation of the host municipality, if any, and the smart growth report of the regional planning  
381 council, if applicable.

382 The determination of the committee shall be binding upon the commissioner.

383 SECTION 5. Said chapter 7 is hereby further amended by striking out section 40F½ as appearing in the 2004  
384 Official Edition, and inserting in place thereof the following section:—

385 Section 40F½. (a) If, pursuant to section 40F¼, the committee determines that a parcel of real property is surplus to  
386 both current and foreseeable state uses the commissioner shall proceed with the disposition of the real property in  
387 accordance with the provisions of this section. Notwithstanding any other general or special law to the contrary, any  
388 real property officially declared surplus by the committee shall be designated by the economic assistance  
389 coordinating council as an economic target area, an economic opportunity area, and a certified project, as those  
390 terms are defined in section 3A of chapter 23A, and such real property shall be eligible for all the incentives and  
391 benefits provided by the economic development incentive program; provided, further, that any real property  
392 officially declared surplus by the committee shall, upon local approval, automatically qualify as a priority  
393 development site for the purposes of chapter 43D.

394 The commissioner shall establish the value of surplus real property using customarily accepted appraisal  
395 methodologies. The value shall be calculated both for (i) the highest and best use of the real property as currently  
396 zoned, and (ii) subject to uses, restrictions and encumbrances as may be defined by the general court and the  
397 committee. Appraisals under this paragraph shall be conducted by an independent licensed appraiser. In no instance  
398 in which the commonwealth retains responsibility for maintaining the real property shall the terms provide for  
399 payment of less than the annual maintenance costs.

(b) The commissioner, within 60 days of receipt of notice from the committee, shall:—

(i) publicly declare the real property available for disposition and identify any restrictions on its use and development imposed by the general court or the committee; and

(ii) place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 stating the availability of the real property and requesting proposals from any public or private entity, agency, individual partnership, or joint venture regarding the use, reuse, rehabilitation, renovation, reconstruction, purchase, ownership, lease, construction, or development of the real property. Said notice shall also include the time and location for submission of bids and proposals and the opening thereof, and other information the commissioner may deem relevant; provided, however, that said notice shall simultaneously be filed with the chairs of the joint committee on bonding, capital expenditures and state assets and the chairs of the joint committee on economic development and emerging technologies.

All responses to the request for proposals issued pursuant to this section shall be submitted to the commissioner within 60 days after the publishing of the notice in the central register. The commissioner shall, within 30 days, review all the proposals received and shall recommend to the committee what he deems to be the 3 proposals which represent the highest and best use of the real property. The commissioner shall simultaneously send notice to each city or town in which the real property is located, to the city manager in the case of a city under Plan E form of government, the mayor and city council in the case of all other cities, the chairman of the board of selectmen in the case of a town, the county commissioners, the regional planning agency, and the members of the general court representing the host municipality of the proposals selected by the commissioner and recommended to the committee. The committee shall, with 21 days of receiving a recommendation from the commissioner, conduct a public hearing in the host municipality on the proposals recommended by the commissioner. The committee by a majority vote shall, within 60 days of the public hearing in the host municipality, select the proposal which it deems represents the highest and best use of the real property. In determining the highest and best use of the real property as required by this section, the commissioner and the committee shall pay due consideration to the impact upon the host municipality, including, but not limited to, impact to housing, infrastructure, natural resources, open space and economic development.

If no proposals are received by the commissioner pursuant to the request for proposals issued pursuant to this section, or if the committee determines that the proposals received and recommended by the commissioner do not represent the highest and best use of the real property, or if the committee fails to secure a majority vote, the commissioner shall dispose of the real property using appropriate alternative competitive processes and procedures. Such alternative competitive processes and procedures may include, but shall not be limited to, absolute auction, sealed bids and requests for price and development proposals. The commissioner shall dispose of the real property within 90 days of receiving notification from the committee; provided, further, that the commissioner shall, 30 days prior to disposition of the real property pursuant to an alternative competitive process, notify the host municipality and the committee of the alternative competitive process to be used. The commissioner shall, at least 30 days prior to the disposition of the surplus real property using an alternative competitive process, place notice in the central register published by the state secretary pursuant to section 20A of chapter 9 stating the availability of such real property, the nature of the competitive process and other information deemed relevant, including the time and location of the auction, the submission of bids or proposals and the opening thereof.

(c) The commissioner shall place a notice in the central register, and provide written notice to the host municipality; said notice shall be sent to the city manager in the case of a city under Plan E form of government, the mayor and city council in the case of all other cities, the chairman of the board of selectmen in the case of a town, the county commissioners, the regional planning agency, and the members of the general court representing said host municipality. Said notice shall identify the individual or firm selected as party to such real property transaction, along with the amount of such transaction. If the commissioner accepts an amount below the value calculated pursuant to this section he shall include the justification therefore, specifying the difference between the calculated value and the price received.

The commissioner shall ensure that any rental agreement, and in the case of a conveyance, a deed or separate disposition agreement as deemed appropriate by the commissioner, shall set forth all such reuse restrictions;

shall provide for effective remedies on behalf of the commonwealth, including that title to the real property, or such lesser interest as is the subject of the disposition agreement, shall revert to the commonwealth in the event of a violation of any such reuse restrictions; and shall provide, in the case of a disposition to the host municipality or a non-profit organization for a direct public use, that the title to the real property, or such lesser interest as is the subject of the disposition agreement, shall revert to the commonwealth in the event the real property is no longer utilized for such direct public use.

No agreement for the conveyance, lease or rental or other disposition of state-owned real property pursuant to this chapter, and no deed, executed by or on behalf of the commonwealth pursuant to this chapter, shall be valid unless such agreement or deed contains the following declaration, signed by the commissioner:

The undersigned certifies under penalties of perjury that I have fully complied with the provisions of sections 40F, 40F<sup>1</sup>/<sub>4</sub>, 40F<sup>1</sup>/<sub>2</sub>, 40F<sup>3</sup>/<sub>4</sub>, 40H, and 40J of chapter 7 of the General Laws in connection with the real property described herein.

\_\_\_\_\_  
Commissioner, DCAMM

Date:\_\_\_\_\_

The commissioner shall maintain, for a period of at least 6 years, a file containing a copy of each document necessary to establish fulfillment of the requirements of this chapter as it relates to the disposition of surplus real property. Such file shall be open to public inspection.

(d) All net cash proceeds from the conveyance, lease or other transfer of real property pursuant to this chapter shall be allocated, upon receipt, to the Surplus Land Proceeds Fund established pursuant to section 2000 of chapter 29 of the General Laws.

SECTION 6. Said chapter 7 is hereby further amended by inserting after section 40F<sup>1</sup>/<sub>2</sub> the following section:—

Section 40F<sup>3</sup>/<sub>4</sub>. The commissioner shall be responsible for the acquisition and control of real property in the manner and to the extent provided in this chapter. The commissioner may delegate such responsibility to an administrator, who has 10 years of experience in the management of commercial, industrial, institutional or public real property. When responsibility is delegated to an administrator the written approval of the commissioner shall be required before such transaction is finalized.

The commissioner shall acquire interest in real property on behalf of the commonwealth for the use of state agencies by gift, purchase, devise, grant, eminent domain, rental, lease, rental-purchase or otherwise.

In acquiring buildings for the use of state agencies, first consideration shall be given to any structures that have been certified as historic landmarks as provided by sections 26 through 27C inclusive of chapter 9, that have been listed in the National Register of Historic Places as provided by 16 U.S.C. section 470a (1974) or that have been designated historic landmarks by local historic commissions, unless use of such buildings would not be feasible in terms of costs and requirements when compared with other available properties.

Notwithstanding any other general or special law to the contrary, real property acquired for the use of state agencies shall be held in the name of the commonwealth.

The commissioner shall assist in the preparation and shall approve of plans for the organization of all space within and around buildings and appurtenant structures used by state agencies, and shall assign the use of space within and around the state house, subject to such rules as the committee on rules of the 2 branches acting concurrently may adopt, in accordance with the provisions of sections 10, 16A and 17 of chapter 8; the John W.

McCormack state office building; the Leverett Saltonstall state office building; the Springfield office building; the Pittsfield office building; the Erich Lindemann building; the Charles F. Hurley building; any real property acquired for the use of state agencies, the greater part of which is not needed by any one state agency; and any other real property assigned by law to the division of capital asset management and maintenance.

The commissioner, with the written approval of the commissioner of administration, may transfer use of, and responsibility for maintenance of, buildings, including equipment therein, within or between state agencies. No such transfer within or between state agencies which involves either a change in the purposes for which such building is currently used or a change in use in excess of 50 per cent of the usable floor space, shall be made without the prior approval of the general court. Any such transfer shall be based on a determination, made by the commissioner with the advice of the executive heads of affected agencies and secretaries of the executive offices in which such agencies are located, that such real property is not needed, is under utilized, or is not being put to optimum use under current conditions. The commissioner shall notify the house and senate committees on ways and means, the chairs of the joint committee on bonding, capital expenditures and state assets and the representatives to the general court from the city or town in which such real property is located not less than 30 days prior to the final authorization of any transfer which does not require the approval of the general court, and such transfer shall only be made when the general court is in session except as provided hereafter. Such transfer may be made when the general court is not in session, and the thirty day notification requirement may be waived, only if the commissioner certifies in writing that an emergency exists; provided, however, that any such transfer may be authorized for a period not to exceed 6 months, and provided, further, that the commissioner shall submit his certification to and notify the house and senate ways and means committees, the chairs of the joint committee on bonding, capital expenditures and state asset, and the representatives to the general court from the city or town in which such real property is located of such transfer at the earliest possible opportunity.

SECTION 7. Section 40H of said chapter 7, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words "state administration" and inserting in place thereof the following words:— bonding, capital expenditures and state assets

SECTION 8. Said chapter 7 is hereby further amended by striking out section 40I and inserting in place thereof the following section:—

Section 40I. The clerk of the house of representatives and the clerk of the senate shall, within 10 days of the filing of any legislation authorizing the conveyance, lease, transfer, or other disposition of any state-owned real property forward a copy of said bill to the commissioner. Within 90 days of the receipt of said copy, the commissioner shall submit in writing a report to the commissioner of administration, the legislative committee before which the bill is pending, and the joint committee on bonding, capital expenditures and state assets together with a recommendation for either the approval or the disapproval of the bill and his reasons therefor.

If the commissioner is recommending the approval of a bill proposing the disposition of a parcel exceeding 2 acres, said report shall include: (1) a description of the real property including its current use, structures, and approximate metes and bounds; (2) the value of the real property, determined through procedures customarily accepted by the appraising profession as valid for such purposes, calculated both for (a) the highest and best use of the real property as currently encumbered and (b) uses and encumbrances that would be imposed by the bill if enacted; (3) all current and foreseeable direct public uses identified by following the division's procedures for such purposes as they apply to the real property to be disposed (4) other potential public and private uses of the real property; and (5) any other information the general court may require.

The commissioner shall expeditiously review and recommend approval or disapproval of any proposal to the general court for the sale, rental or other disposition of real property acquired on behalf of state agencies, and shall dispose of real property as mandated by the general court.

The provisions of this section shall not apply to recommendations filed by the commissioner with the joint commit on bonding, capital expenditures and state assets pursuant to the provisions of subsection (b) of section 40F<sup>1/4</sup>.

SECTION 9. Chapter 29 of the General Laws is hereby amended by inserting after section 2NNN the following sections:—

Section 2000. There shall be established and set upon the books of the commonwealth a separate fund to be known as the Surplus Real Property Proceeds Fund, hereinafter called the fund. The fund shall be administered by the department of housing and community development. All monies deposited into the fund shall, within 90 days of receipt, be distributed by the fund in the following order of priority:—

(i) to reimburse host municipalities for bona fide costs incurred by said municipalities for the maintenance and upkeep of the surplus real property wherein the funds originated;

(ii) a minimum of 10 per cent of the remaining net cash proceeds after funding the costs identified in clause (i) to a host municipality; provided, however, upon certification by the commissioner of the division of capital asset management and maintenance that a host municipality expedited permitting in accordance with part (i) of subsection (g) of section 40F¼ or took other affirmative actions, which at the discretion of the Commissioner, furthered the commonwealth's objectives for the parcel, shall be entitled to 20 per cent of the remaining net cash proceeds after funding the costs identified in clause (i) of this section. If said municipality exercises its right of first refusal as authorized pursuant to subsection (d) of section 40F¼ it shall not receive a percentage of the sale proceeds; provided, however, that if a municipality assigns its right of first refusal pursuant to said subsection (d) of said section 40F¼ to a non-profit organization for a direct public use, it shall receive 10 per cent of the net cash proceeds remaining after funding the costs identified in clause (i);

If a city or town fails to close on a surplus property due solely to a failure to receive an affirmative vote on a debt exclusion to raise funds for the purchase of the particular parcel pursuant to section 21C of chapter 59 of the General Laws, the city or town shall remain eligible to receive its share of proceeds of the sale as provided in this section.

(iii) after distribution of net cash proceeds pursuant to clauses (i) and (ii), not more than \$2,800,000 shall be deposited in District Local Technical Assistance Fund established pursuant to section 2PPP; and

(iv) after distribution of net cash proceeds pursuant to clauses (i), (ii), and (iii) the remaining net cash proceeds shall be deposited in smart growth housing trust fund established pursuant to section 35AA of chapter 10.

Section 2PPP. There shall be established and set upon the books of the commonwealth a separate fund to be known as the District Local Technical Assistance Fund. Amounts credited to the fund shall be administered by the Bureau of Municipal Assistance within the Department of Revenue which shall ensure that the funds are used for activities consistent with the purpose of this act and the Massachusetts management and accounting reporting system, so-called. Said amounts shall be used solely for the administration and implementation of the provisions of this section.

Recipients of said funds shall provide matching resources of not less than 10%, no more than ½ of which may be in-kind services, and shall report such annually on their expenses and program activities to the commonwealth and local governments. Each regional planning district created under chapter 40B or by special act shall be granted a fixed annual base award of \$150,000 from said fund, with the exception of the Metropolitan Area Planning Council, which shall receive a base appropriation of \$200,000, the Martha's Vineyard commission which shall receive a full annual appropriation of \$100,000 and the Nantucket planning and economic development commission, which shall receive a full annual appropriation of \$50,000 as its full annual appropriation. One-half of the remainder of the annual appropriation to said fund shall be apportioned among said entities based on the percentage of the commonwealth's population served by each entity, with the other half apportioned based on the percentage of the commonwealth's communities served by each entity.

SECTION 10. Section 9 of chapter 40A of the General Laws is hereby amended by striking out the fifteenth paragraph and inserting in place thereof the following paragraph:—

Zoning ordinances or by-laws shall also provide that research and development uses, whether or not such uses are currently permitted as a matter of right, may be permitted in any non-residential zoning district upon the issuance of a special permit; provided, however, that the granting authority finds that such uses do not substantially derogate from the public good. "Research and development uses" may include any 1 or more of the following: investigation, development, laboratory and similar research uses; any related office uses; limited manufacturing uses; and uses accessory to any of the foregoing in any field of science. "Limited manufacturing" may, subject to the issuance of such special permit, be an allowed use provided that the following requirements are satisfied: (1) such manufacturing activity is directly related to research uses; (2) no manufacturing activity occurs within 50 feet of a residential district; and (3) substantially all manufacturing activity occurs inside of buildings with any manufacturing activities occurring outside of buildings subject to such conditions as may be imposed by the granting authority.

SECTION 11. Chapter 40B of the General Laws, as so appearing, is hereby amended by inserting the following section:—

Section 30. There shall be established within each regional planning district created under this chapter or by special act a technical assistance center for the delivery of coordinated, comprehensive, and continuing technical services to and among local governments. Technical assistance services may be provided in any subject area within the capability of each technical assistance center that improves local government capacity, efficiency, knowledge and ability to respond to issues, opportunities, laws and requirements including, but not limited to,: required municipal asset inventory and management; communication systems including broadband, wireless and related facilities; emergency and incident response systems; electronic government opportunities; remote image and data collection; digital data management and archiving; geographic information systems; geo-location of infrastructure; internet and internet-related technologies; data sharing and regional backup; computer system evaluation and networking; intelligent transportation systems; statistical trends and modeling; digital recordation of accidents, fires and crime; technical specifications relating to management of the sanitary code, water supplies, air quality, storm water and natural resource area; and other land use and smart growth zoning issues.

Said regional planning districts shall annually consult with each member city and town to ensure locally needed technical assistance services that: (i) aid communities in evaluating new technologies, equipment and systems; (ii) aid communities in improving the efficiency of local government; (iii) reduce costs incurred by local governments for performing duties required thereof; (iv) build capacity and provide needed skills; (v) aid communities in meeting new state or federal regulations or requirements; (vi) provide specific services or initiate demonstration projects; (vii) facilitate sharing of information or best practices among and between communities; (viii) facilitate inter-municipal cooperation or cost sharing; (ix) provide training and skill development of community employees; (x) aid in improvement of local standards, procedures and regulations; and (xi) promote smart growth zoning, regulations, or standards.

Said regional planning districts shall coordinate and focus their programs to augment the services of the local technical assistance centers. A core program of technical services shall be maintained in the fields of management and data, environment, transportation and community development. Other fields may be covered as appropriate and resources allow. Agencies of the commonwealth initiating or following through on programs or regulations requiring outreach or technical assistance shall first consider utilizing the local technical assistance centers while seeking the services previously enumerated and may enter directly into contracts with the regional planning agencies or their technical assistance centers as they would with any city or town. This provision shall not limit the ability of state agencies to work directly with individual communities.

SECTION 12. Notwithstanding the provisions of sections 40F, 40F<sup>1</sup>/<sub>4</sub>, 40F<sup>1</sup>/<sub>2</sub>, 40F<sup>3</sup>/<sub>4</sub>, 40H and 40I of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance shall, upon the execution of a mutually acceptable agreement between the commissioner and the Worcester Business Development Corporation, convey a certain parcel of state owned land to the Worcester Business Development Corporation. Said parcel is described by the city of Worcester assessor's office as being at a point on the westerly sideline of Plantation street at the most southeasterly corner of the parcel to be described; said point also being the most northeasterly corner of land now or formerly known as Parcel 10 of the Amended Definitive Subdivision Plan for

630 Worcester Business Development Corporation, dated January 3, 1990 and recorded in the Worcester county registry  
631 of deeds, Plan Book 633, Page 78;

632 THENCE N. 71° 47' 26" W. along land known as Parcel 10, a distance of nine hundred  
633 twenty-one and 45/100 (921.45) feet to a point on a stone wall;

634 THENCE N. 15° 38' 45" W. following a stone wall, a distance of four hundred seventy-  
635 five and 09/100 (475.09) feet to a point at the end of a stone wall;

636 THENCE N. 83° 00' 00" W., a distance of four hundred sixty-one and 28/100  
637 (461.28) feet to a point at the end of a stone wall;

638 THENCE N. 21° 04' 00" W. along a stone wall, a distance of two hundred eighty- seven  
639 and 35/100 (287.35) feet to an angle in the stone wall;

640 THENCE N. 52° 10' 50" W. continuing along the stone wall, a distance of two hundred  
641 forty-seven and 05/100 (247.05) feet to an angle in the stone wall;

642 THENCE N. 34° 56' 10" E. continuing along the stone wall, a distance of twenty- two and  
643 29/100 (22.29) feet to an angle in the stone wall;

644 THENCE N. 66° 40' 00" E. continuing along the stone wall, a distance of eight hundred  
645 thirty-three and 90/100 (833.90) feet to an angle in the stone wall;

646 THENCE S. 43° 22' 40" E. continuing along the stone wall, a distance of seven hundred  
647 thirty-nine and 50/100 (739.50) feet to an angle in the stone wall;

648 THENCE S. 67° 21' 50" E. continuing along the stone wall, a distance of seven hundred  
649 thirty and 17/100 (730.17) feet to a point on the westerly sideline of Plantation street;

650 THENCE along the westerly sideline of Plantation Street, in part by a stone wall, the  
651 following four (4) courses:

652 S. 18° 21' 30" W., a distance of eighty-seven and 41/100 (87.41) feet to a  
653 point;

654 S. 15° 19' 30" W., a distance of two hundred thirty-eight and 20/100 (238.20)  
655 feet to a point;

656 S. 10° 37' 00" W., a distance of two hundred seventy-one and 77/100 (271.77)  
657 feet to a point; and

658 S. 19° 17' 00", a distance of one hundred eighty-one and 70/100 (181.70)  
659 feet to the point of beginning.

660 Containing 32.4086 acres, more or less.

661 SECTION 13.

662 The sums set forth in section 13, for the purposes set forth in this act and subject to the conditions specified  
663 under the provisions of this act, are hereby authorized for expenditure unless specifically designated otherwise,  
664 subject to the provisions of law regulating the disbursement of public funds and approval thereof.

665 ECONOMIC DEVELOPMENT.

666 1599-2001

667 For a reserve to supplement funding provided by section 2 of chapter 132 of the acts of 1993, as most  
668 recently amended by section 17 of chapter 86 of the acts of 1994, for selected demolition and asbestos and  
669 hazardous waste removal and abatement, for planning, marketing, surveying, site evaluation and site  
670 preparation at Northampton State Hospital; provided that said demolition and asbestos and hazardous waste  
671 removal and abatement, planning, marketing, surveying, site evaluation and site preparation process shall  
672 be managed by the Massachusetts Development Finance  
673 Agency.....\$7,000,000

674 SECTION 14. Notwithstanding any general or special law to the contrary, the state comptroller shall, within 10 days  
675 of the effective date of this act, transfer \$2,800,000 from the General Fund to the District Local Technical  
676 Assistance Fund established pursuant to section 2PPP of chapter 29 of the General Laws.

677 SECTION 15. Notwithstanding any general or special law to the contrary, for each parcel of real property acquired  
678 pursuant to the provisions of chapter 7 of the General Laws, the Massachusetts Development Finance Agency shall  
679 file with the house and senate committees on ways and means a written disclosure detailing any personal or  
680 professional relationships between any officer, director or employee of the agency and any party involved with the  
681 development or redevelopment of the real property including, but not limited to, any outside legal counsel and other  
682 professional services. The agency shall, within 30 days of receiving a request by the house or senate committee on  
683 ways and means, provide the committee with a detailed summary of all fees and expenditures incurred relative to the  
684 development or redevelopment of real property acquired pursuant to the provisions of said chapter 7 including, but  
685 not limited to, any fees paid to any outside legal counsel and other professionals retained by, or on behalf of, the  
686 agency.

687 SECTION 16. Notwithstanding the provisions of this act, or any other general or special law to the contrary, the  
688 town of North Reading and the town of Wilmington shall receive 20 per cent of the net cash proceeds, as that term is  
689 defined in this act, from the sale of real property pursuant to chapter 271 of the acts of 1998, as most recently  
690 amended by chapter 7 of the acts of 2001. The percentage of the net cash proceeds shall be divided between the  
691 towns based on the percentage of the real property within each town.

692 SECTION 17. Sections 1 to 9, inclusive, shall not be effective as to the disposition of any real property designated  
693 surplus by the commissioner of the division of capital asset management and maintenance prior to the effective date  
694 of this act, or as to the disposition of any real property owned by the commonwealth and subject to a special act for  
695 the conveyance, lease or other disposition of such real property with an effective date prior to the effective date of  
696 this act..